

Application Number:	2018/0266/FUL
Site Address:	Garage, Rosebery Avenue, Lincoln
Target Date:	6th April 2018
Agent Name:	None
Applicant Name:	Miss Elly Krisson
Proposal:	Conversion of existing single storey garage to 3 bed dwelling (Use Class C3). (Revised Drawing)

Background - Site Location and Description

The application property is a garage building located to the west side of Rosebery Avenue.

The application proposes the conversion of the existing building to form a three bedroom residential dwelling within Use Class C3.

Although there is no known date of the construction of the garage, it has been established that a building was originally constructed between 1880 and 1900 with a later addition between approximately 1930 and 1960 to form the outline that remains to the present date. The structure as currently stands has been present in its form or similar for in a significant period and as such is lawful. The application is therefore to consider the use of the established building as a residential dwelling.

The property is located within the West Parade and Brayford No. 6 Conservation Area

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 13th March 2018.

Policies Referred to

- National Planning Policy Framework
- Central Lincolnshire Local Plan, adopted April 2017
- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP21 Biodiversity and Geodiversity
- Policy LP26 Design and Amenity

Issues

To assess the proposal with regard to:

- 1) Accordance with national and local planning policy
- 2) Impact on residential amenity
- 3) Impact on visual amenity
- 4) Highway safety, access and parking
- 5) Communal Space, Bin storage and other factors
- 6) Ecology and the protection of habitats and species
- 7) Other matters

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Lincolnshire Bat Trust	Comments Received
West End Residents Association	No Response Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mrs Jane Smith	284 West Parade Lincoln Lincolnshire LN1 1NB
John And Sandy Ritter	4 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Mr And Mrs Bentley	6 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Mrs Rani (Bhavindrajeet) Grantham	60 Richmond Road Lincoln Lincolnshire LN1 1LH
Mrs Katherine Littlecott	3 Rosebery Avenue Lincoln Lincolnshire LN1 1ND

Mrs Sue Tilford	92 Astwick Road Lincoln Lincolnshire LN6 7LL
William White	286 West Parade Lincoln Lincolnshire LN1 1NB
David And Kathryn O'Donnell	288 West Parade Lincoln Lincolnshire LN1 1NB
Richard + Helena Mair	290 West Parade Lincoln Lincolnshire LN1 1NB
Emma Krasinska	294 West Parade Lincoln Lincolnshire LN1 1NB
Barbara Comber	292 West Parade Lincoln Lincolnshire LN1 1NB
Mr & Mrs Bond	1 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Heather Umpleby And Holly Dingwall	1A Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Mr Robin Lewis	22 York Avenue Lincoln Lincolnshire LN1 1LL
Mr Kevin Richardson	25 North Pizarade Lincoln Lincolnshire LN1 1LB

Mr Luke Pennington	41 St Faiths Street Lincoln Lincolnshire LN1 1QJ
Mr Kevin Smith	9 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Mr Joel Warburton	81 West Parade Lincoln Lincolnshire LN1 1QW
Mrs Claudia Zigante	5 Cambridge Avenue Lincoln Lincolnshire LN1 1LS
Miss Amanda Ryans	4 York Avenue Lincoln Lincolnshire LN1 1LL
Mr Jason Clark	189 West Parade Lincoln LN1 1QT

Consideration

Paragraph 14 of the NPPF outlines that "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 50 of the National Planning Policy seeks to "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities."

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 58 seeks to ensure that developments "will function well and add to the overall quality of the area....respond to local character and history and reflect the identity of the

local surroundings and materials."

Paragraphs 63 and 64 state that applicants should take the opportunities available for improving the character and quality of an area and the way it functions. Buildings and extensions should promote high levels of sustainability through good design and weight will be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

The application is for the conversion of an existing garage building to a residential dwelling and therefore Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is entirely relevant.

The following design principles within Policy LP26 of the Central Lincolnshire Local Plan would be pertinent with the development.

- a. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

Policy LP26 further states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;

Principle of the Development

The application submitted is for the conversion of the existing garage into a residential property (Use Class C3) and would be conditioned as such to ensure that it would remain within that use class. Moreover, it has been confirmed by the applicant that they would be willing to sign a section 106 agreement to ensure that no students would occupy the property.

National Planning Policy and the Central Lincolnshire Plan state that the development should deliver a wide range of homes, making efficient use of land and therefore the Council consider that the conversion to a residential property would create a sustainable and most suitable use within an existing residential area.

The application has had a number of written representations objecting the proposal. The officer's report will endeavour to cover all material planning considerations raised throughout the application process.

The issues considered pertinent to this application are discussed below:

Impact on Residential Amenity

The conversion of the existing building would have minimal changes to the existing proportions, making use of the existing brick skin, including a reroof, whilst retaining the existing height and pitch of the roof. The total length of the existing building would be reduced to the rear to provide a small outdoor area, retaining the outer walls to create a new boundary wall at a height of 2m.

The replacement roof would include the installation of four roof windows to the south and two to the north, placed to minimise the impact on the neighbouring properties, whilst allowing for natural light into the proposed property. The addition of an approximately 660mm overhang of the roof would add a canopy to the front elevation. The front elevation would contain a large amount of glazing to maximise light into the property and to take advantage of the views onto the Common. The rear elevation would contain two sets of doors from the rear bedrooms with additional glazing above. There are no windows to be installed within the side elevations.

The proposal would have minimal alterations to the existing structure and the placement of windows would minimise the potential for any overlooking from the three storey properties on West Parade. It is not therefore considered that there would be any harmful relations created through placement of new windows. As the existing structure and size would be largely maintained, it would also not be considered to have an unduly harmful impact on the residential amenity of neighbouring properties. The use of the property as a residential dwelling would be appropriate within the residential area and the impact from the additional occupation of the new dwelling would not create an additional harmful relationship beyond that experienced between the existing neighbouring properties.

It is not therefore considered that the proposal would have an unduly harmful impact on the residential amenity of the neighbouring properties or wider area.

To further protect the amenity of the neighbouring properties it would be reasonable to condition the removal of permitted development from the proposed dwelling to ensure that any potential for future development is considered by the local authority through the submission of a further application.

Impact on Visual Amenity

The conversion of the property would bring a vacant building back into a beneficial use, whilst retaining the structure and making use of a more traditional pallet of materials. The conversion adds some elements of an innovative design, mixing modern glazing sections that sympathetically complement the more traditional existing brickwork and roof tile, improving the overall character and quality of the area.

The property would not be considered to look out of place alongside the neighbouring dwellings and would ultimately enhance the character and appearance of the conservation

area with the associated works to the front of the property to improve the overall street scene.

It is recommended that a condition should be applied to ensure that samples of materials are submitted to the local planning authority prior to the commencement of the development.

Highway Safety, Access and Parking

Objections to the application cite a number of highway matters with regard to lack of parking and the exacerbation of existing issues of parking within the vicinity.

Following consultation with the County Council as Highway Authority no objection has been made in respect of the issues of parking, capacity or safety in the wider area. As the property is within proximity to the city centre and has access to local transport routes it is considered that parking would not necessarily be required for the property. However, the submitted plans identify the potential for up to three car parking spaces located off the highway, the likes of which is considered wholly acceptable by the Highways Authority and would ensure the current parking issues locally are not exacerbated.

In addition, there is an area between the applicant's front hardstanding and verge that is within the ownership of the Highways Authority and they have subsequently responded with the following:

"Please be advised that Lincolnshire County Council, as Highway Authority, have no objection to this application. The proposal will not obstruct the natural line of pedestrian movement along the footway of Rosebery Avenue, and has the potential to alleviate the on-street parking in the area".

It is not therefore considered that the proposal would have any undue harmful impact on highway safety, access or parking.

Communal Space, Bin Storage and other Factors

A number of representations have cited the potential for noise, disturbance and smells associated with the occupation of the property, use of the proposed rear yard and storage of bins.

The dwelling has use of a small rear garden/yard and such a use is not considered to be unlike the existing adjoining gardens that are currently used by the neighbouring properties. Furthermore, Environmental Health have confirmed that they have no concerns with regard to the potential for noise or disturbance, smell or odour as a result of the use of the property or the use or location of the bin storage. Moreover, whilst the bins are proposed to be stored to the front of the property, there have been no objections from the councils refuse team.

A condition in respect of working hours would adhere to strict guidelines to ensure that there is no unreasonable disturbance to the neighbouring properties during construction. The hours recommended would be 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other

time.

Contamination

Environmental Health have confirmed that discussions have not resulted in the requirement for any remediation but that due to past use of the site it may be that contamination could be found during the redevelopment of the site as is the case with any brownfield development and as such a condition would therefore be required to deal with that eventuality..

Ecology and the Protection of Habitats and Species

Policy LP 21 requires that any development that could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Following consultation with the local bat protection group and neighbouring properties, it has been identified that there have been sightings of bats within the immediate area and potentially in close proximity to the garage. Given the legal requirements under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) bats are a protected species and it is a criminal offence to kill, injure, capture or disturb a bat and to damage, destroy or obstruct access to a bat roost. It has been requested that the appropriate report be prepared and submitted to the local authority to determine the requirement of any mitigation methods, to be conditioned prior to the grant of planning permission.

A response from a representative of the Lincolnshire Bat Group reiterates this requirement and the report is currently being sought from the applicants. The Committee will be updated if the report is received prior to the date of the meeting. It is not expected that this survey will present the development taking place, but it may recommend some mitigation measures which could be conditioned.

Other Matters

Residents have raised objections to the applicants' proposals to access the passageway that runs to the rear of their houses and alongside the application site. The applicant, in response has sought legal advice and is satisfied that they do have a right to use the passageway, nonetheless, this is a dispute that is not material to the planning process and does not prevent the determination of the application.

Conclusion

The proposed conversion to a residential dwelling would not have a harmful impact on the amenities of neighbouring properties and would enhance the character and appearance of the conservation area. The application facilitates the conversion of a an existing building into a more sustainable use through the addition of a new dwelling, in accordance with policies LP1 A, LP21 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Recommendation

That the authority to grant permission is delegated to the Planning Manager subject to:

- The receipt of a bat survey and the introduction of any necessary mitigation measures
- The signing of a section 106 agreement to ensure no student occupation of the property
- The conditions listed below.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.
The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be Discharged before Commencement of Works

- 03) Samples of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development commences. The approved materials shall not be substituted without the written consent of the City Council as Local Planning Authority.

Reason: In the interests of visual amenity.

Conditions to be Discharged before use is Implemented

None.

Conditions to be Adhered to at all Times

- 04) The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time.

Reason. In the interests of the amenity of neighbouring properties.

- 05) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning

Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 06) The dwelling hereby granted shall be used as a residential dwelling (Use Class C3) and for no other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

- 07) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the dwelling hereby approved shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

Reason: In the interests of the privacy and amenity of neighbouring residents.

Table A

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
ST-267/03	B	Floor plans	15th April 2018
ST-267/04	B	Elevations - Proposed	15th April 2018